IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE
MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

WA.No. 393 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.2241/2007 Dated 09/02/2007
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APPELLANT: PETITIONERS
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1. BAIJU SAKARIA, VENNUKKARAN HOUSE, KORATTY EAST, THRISSUR DISTRICT.

2. M.O.AUGUSTY, MANJALY HOUSE, KODUSSERY, VATTAPPARAMBU.

3. ERNAKULAM DISTRICT PRIVATE BUS OPERATORS ASSOCIATION, ANGAMALY, KALADY, ATHANI AREA UNIT, REGISTRATION NO.TCR. 609/93, MUNICIPAL BUS STAND ANGAMALY, REP.BY ITS SECRETARY K.V.KUNJU.

BY ADV. SRI.P.RAVINDRAN
SRI.HARIKRISHNAN RAVINDRAN

RESPONDENTS: RESPONDENTS
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1. THE PARUR MUNICIPALITY, NORTH PARAVUR, REP.BY ITS SECRETARY.

2. THE TRANSPORT REFORMS COMMITTEE, OFFICE OF THE MUNICIPAL COUNCIL, NORTH PARAVUR.

3. REGIONAL TRANSPORT AUTHORITY, ERNAKULAM REP.BY ITS SECRETARY.

4. SECRETARY, RTA ERNAKULAM.

BY GOVERNMENT PLEADER SRI. T.B. HOOD.
BY ADV. SRI. T.A. SHAJI.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 15/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN(AG.C.J.) & M.N. KRISHNAN,J.

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W.A. NO. 393 OF 2007

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Dated this the 15th day of February, 2007.

J U D G M E N T

Radhakrishnan,(Ag.C.J.)

Heard counsel on either side. The appellant herein had approached this Court vide W.P.C.21525/06 for a direction to the Regional Transport Authority, Ernakulam to consider Ext.P5 objection therein and this Court by order dated 3rd October, 2006 specifically directed the RTA to consider Ext.P5 objections along with the application to be submitted by the Municipality at the earliest. Complaint of the appellant is that while issuing Ext.P6 order the RTA had failed to refer to their objections. We have perused Ext.P6 order. There is nothing to show that the RTA had referred to those objections and there was no discussion about the various points raised in their objections. In the circumstances, direction of this Court to consider the objections have not been complied with. Therefore, Ext.P6 order of the RTA is set aside and a direction is given to the Regional Transport Authority to pass fresh orders taking note of Ext.P4 objections herein with notice to

all affected parties within a period of one month from the date of receipt of a copy of this judgment.

The Writ Appeal is disposed of as above.

K.S. RADHAKRISHNAN,
(AG. CHIEF JUSTICE).

M.N. KRISHNAN, JUDGE.

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